

EXHIBIT 5

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USU music professor resigns after yearslong internal investigation

By Kevin Opsahl For The Herald Journal
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Dennis Hirst

A Utah State University music professor who was under investigation for allegedly raping an underage student nearly 30 years ago has resigned from his position as part of an agreement with the university.

Dennis Hirst, associate professor of music, submitted his resignation from USU on June 30 as opposed to having sanctions imposed on him, USU spokesperson Amanda DeRito told the newspaper on Wednesday.

Hirst had been under a USU investigation — and working from home — since the fall of 2018, when the school learned that Jaime Caliendo, a Cache Valley resident and former USU music student, filed a civil lawsuit against him in 1st District Court.

The suit, which was dropped last year, sought damages from Hirst stemming from the sexual assault, battery and emotional distress Caliendo says she endured at the hands of the music professor back in 1994 — when he was 23 and she was 17. Hirst has always maintained innocence and was never charged with rape.

USU President Noelle Cockett told the university community on Sept. 26, 2018, that she hoped the investigation into Hirst would last only a few weeks, but it actually concluded at the end of this past month.

USU's statement to the newspaper on Wednesday marked the first substantive comments on the case since it began.

DeRito noted that in issuing comments, USU tried to balance protecting private information with the need to "provide clarity about our process."

On the subject of how the Hirst settlement was reached, USU relied on faculty code, which addresses sanctioning specifically for those university members. According to policy 407, a faculty member may request a conference with the provost (currently Frank Gaily) to attempt to reach a settlement as opposed to being sanctioned for misconduct. DeRito said the sanctioning process can only be triggered after an investigation finds a policy violation has occurred.

USU retained a Salt Lake City attorney, Mary Ann May, to conduct an investigation, which was completed in 2020 (a month later, without acknowledging the investigation's conclusions, USU denied The Herald Journal's public records request for a copy of May's findings).

Aside from an outside attorney, USU also utilized a panel of university employees to investigate the Hirst case, DeRito said on Wednesday.

"USU readily agrees that the process in this case took a great deal of time, and university officials recognize this took a toll on both parties," DeRito wrote, speaking for the university.

The reason for the lengthy case is so that USU could investigate the allegations from 1994, DeRito explained in the statement.

It has been reported that at the time, Hirst, employed by the piano department's Youth Conservatory, confided in his department head, Gary Amano, that he had an interest in Caliendo, a USU freshman majoring in piano performance.

According to complaints made by Caliendo, Hirst invited her over to his apartment several times — since they were friends. But Caliendo alleges during one visit there, she fell asleep while listening to music, only to be awakened by "a sharp, repeating pain" as Hirst sexually assaulted her "for what seemed like a long time."

The sexual assault was reported to the Logan Police Department, but Hirst refused to talk to police without an attorney. After two failed attempts to talk with him, "the police did not investigate the matter further," the complaint states.

From 2018-20, when May was appointed by USU to investigate Hirst, she "ensured all leads were investigated thoroughly," DeRito wrote.

"Further, to ensure fairness, both parties were provided every opportunity to provide and respond to evidence," she wrote.

Caliendo's civil suit against Hirst also "affected the way both parties engaged in the USU investigation, impacting the timeline for the investigation," DeRito added.

The school concluded its statement by saying, "we recognize that neither party is likely satisfied with the results, but we believe we have reached a fair conclusion that permanently separates Dr. Hirst from the university and provides some closure to Ms. Caliendo."

The decision for Hirst to resign caps a saga for USU involving its music department. In early 2018, former female students took to social media to report allegations of sexism from Amano and some sexual misconduct by certain professors in the music department. In response to the social media posts, USU hired an outside investigator.

Their report was issued in April of 2018, implicating not just Amano, but Hirst. It stated that Hirst "enabled Professor Amano's discriminatory acts, or else ignored them, without taking meaningful steps to hold him accountable or correct the problems to which they led."

The attorneys didn't recommend a specific sanction on Hirst, but stated that he should at least be replaced as music department interim head — a post Hirst obtained after Amano's retirement just hours before the report was made public.

Hirst was reprimanded later in the year and kept working before being asked to work from home in the fall, when the Title IX investigation began.

Caliendo responded to The Herald Journal's request for comment this week about the school's decision in an email, writing, "there are no winners here. It's a sad thing that happened, start to end."

She told The Herald Journal repeatedly throughout the last year that USU was violating its own policies in not bringing her case to a conclusion fast enough. And at times, Caliendo contends, USU officials were evasive in emails and phone calls or didn't even respond.

"The underlying purpose of this law is to protect and help individuals who have been harmed," said Caliendo, referring to Title IX, which prohibits gender discrimination in schools that receive federal funding.

"But for everyone involved — the parties, students, faculty and others — it's damaging for a Title IX investigation to drag on for years, and without explanation."

DeRito said the investigative process related to Title IX is different from the school's own policies. Plus, the policies Caliendo claims USU violated were not around in 1994, DeRito added.

Caliendo urged USU to review its policies to "more efficiently and transparently resolve Title IX matters."

DeRito said in response that the school has been working on that for years.

"Specifically, working with the DOJ," she said, referring to the U.S. Department of Justice. "We've had enormous feedback."

DeRito called the case between Hirst and Caliendo "unique."

"I can't think of another that was looking at an instance that occurred so long ago — that really just complicates things quite a bit," she said. "We fully recognize it's difficult for both parties."

Caliendo does not know what her "next steps" might be after the long investigation, but she is grateful to USU for hiring May to conduct an investigation and the faculty panel for doing its work — which included hearings between her and Hirst at the same time.

"She was careful and attentive to details," Caliendo said. "I'm also grateful to the faculty panel and other USU individuals who have worked diligently to bring this to a close. This isn't an easy topic for anyone to discuss, and I really appreciate their efforts."

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